IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO. 121 OF 2007
IN
WRIT PETITION NO. 4906 OF 2007

Kum. Ranjana Dnyandeo Koli] .. Petitioner

Versus

1. State of Maharashtra & 2 ors.] .. Respondents

Mr. Dinesh W. Bhosale for the petitioner.

Mr. M.P. Thakur, AGP, for the respondents.

CORAM: S.B. MHASE &
D.G. KARNIK, JJ.

DATED: 24TH AUGUST, 2007

P.C. :

. Heard Mr. D.W. Bhosale, learned counsel for the Review petitioner and Mrs. M.P. Thakur, the Assistant Government Pleader.

2. Rule. Returnable forthwith.

3. The petitioner has filed a Writ Petition bearing No.4906 of 2007 claiming social status of "Mahadeo Koli - Scheduled Tribe". However, her claim has been rejected by the Caste Scrutiny Committee having found that the petitioner belongs to "Koli" community

which is Socially Backward Class (in short "SBC") and not a Scheduled Tribe. When the Writ Petition was argued, the learned counsel emphatically submitted on the point that opportunity of hearing was not given by the Committee and that she belongs to "Mahadeo Koli" community which is Scheduled Tribe. However, we considered this submission on merit and the said Writ Petition has been rejected by us.

4. Now, this is a Review Petition for recall of the said order. Learned counsel for the Review petitioner fairly concedes that so far as the order passed by this Court denying claim of the petitioner as "Mahadeo Koli" is proper and does not require any interference in a Review Petition. However, he submitted that the petitioner was appointed in service as an assistant teacher on 8th August, 1994 and since then she is working as an assistant teacher. The learned counsel submitted that the Government had issued a Government Resolution (for short "GR") dated 15th June, 1995 to the effect that the persons who have obtained service claiming to be belonging to Scheduled Tribe, if subsequently found to be not belonging to Scheduled Tribe, but are found to be SBCs, their services should not be terminated and their services should be regularised. However, the benefit of this GR

cannot be given to the petitioner because even though the petitioner was initially appointed on 8th August, 1994 on grantable basis in Vidya Sadhana Prashala & Junior College, Vairag, she has subsequently resigned from the said post on 30th April, 1996 and has joined a new school on 24th June, 1996. This shows that the present employment of the petitioner is after 24th June, 1996 and, therefore, the petitioner cannot claim the benefit of the said GR. In this regard, we rely upon the judgment of the Apex Court reported in 2007 (3) MLJ 795 in the matter of **State of Maharashtra & Ors. Vs. Sanjay K. Nimje.** Ultimately, what we find is that the Review Petition is without any merit and it is, accordingly, rejected. Rule is discharged.

Sd/-
[D.G. KARNIK, J.]

Sd/-
[S.B. MHASE, J.]